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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/010,067

12/03/2001

Neal Solomon

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06/02/2006

FENWICK & WEST LLP  
SILICON VALLEY CENTER  
801 CALIFORNIA STREET  
MOUNTAIN VIEW, CA 94041

EXAMINER

CHANDLER, SARA M

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |               |  |
|------------------------------|-----------------|---------------|--|
| <b>Office Action Summary</b> | Application No. | Applicant(s)  |  |
|                              | 10/010,067      | SOLOMON, NEAL |  |
|                              | Examiner        | Art Unit      |  |
|                              | Sara Chandler   | 3628          |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/03/01</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed 12/03/2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Applicant failed to submit a legible copy of each cited foreign patent document; and each cited non-patent literature publication or that portion which caused it to be listed.

### ***Oath/Declaration***

The declaration is objected to. It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 recites the limitation "said mining data" page 111, line 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3628

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 14,16,20-24, 26-37 and 39-42** are rejected under 35 U.S.C. 102(e) as being anticipated by Moore, US Pat. No. 6,847,938.

**Re Claim 14:** Moore discloses a system for procurement that communicates over a distributed network, the system comprising:

one or more memories for storing a list of individual product items and individual service items (Moore, Fig. 1, claim 23),

an intelligent commercial search agent in communication with said one or more memories (Moore, col. 7, lines 59-63; col. 8, lines 4-8), and

one or more seller showcase databases in communication with said commercial search agent (Moore, col. 6, lines 64-66; col. 7, lines 18-35; col. 7, lines 59+ - col. 8, line 8),

wherein, when one or more of said seller showcase databases receives from said commercial search agent a request to receive bids to sell a selected item specified from said list, said one or more seller showcase databases submits that bid to said commercial search agent (Moore, col. 6, lines 64-66; col. 7, lines 18-35; col. 7, lines 59+ - col. 8, line 8).

**Re Claim 16:** A method for procurement using computers that communicate over a distributed network, the method comprising:

Art Unit: 3628

receiving from one of a plurality of buyer's intelligent agents registered with a cooperative communications network a request to receive bids to sell a selected item specified from a list of individual product items and individual service items (Moore, abstract, col. 5, lines 34+ - col. 6, line 2-network; col. 4, lines 25-29, "item or items they wish to acquire"), and

receiving from at least one of a plurality of seller's intelligent agents registered with a cooperative communications network an automated bid to sell said selected item, said bid responsive to said request (Moore, abstract, col. 5, lines 34+ - col. 6, line 2 – network; col. 4, lines 25-29 "item they wish to trade").

**Re Claim 20:** Moore discloses a method, wherein: said buyer's intelligent agent comprises an intelligent commercial search agent for searching said plurality of seller's intelligent agents for bids conforming to a set of preprogrammed item parameters (Moore, col. 6, lines 64+ - col. 7, line 35).

**Re Claim 21:** Moore discloses a method, wherein: said item parameters include transaction parameters (Moore, col. 6, lines 64+ - col. 7, line 35).

**Re Claim 22:** Moore discloses a method, further comprising:  
a seller's analytical agent for receiving market data related to said selected item from at least one of a plurality of seller databases, said seller's analytical agent analyzing said market data for demand shaping opportunities based on a set of buyer identifying data (Moore, col. 7, lines 59-63 - col.8, lines 4-8), and  
ending said market data to Said seller's intelligent agent (Moore, col. 7, lines 59-63 - col.8, lines 4-8).

Art Unit: 3628

**Re Claim 23:** Moore discloses a method, further comprising:

using said market data to create a seller's showcase database related to said selected item, said showcase database comprising at least one of a group of sets of information comprising product items and service items (Moore, col. 7, lines 20-24, "data sorting techniques" can show sets, product items, service items).

**Re Claim 24:** Moore discloses a method, wherein: said sets of information are shaped according to said buyer identifying data to maximize interest of said buyer (Moore, col. 7, lines 65+ - col. 8, line 4).

**Re Claim 26:** Moore discloses a method, wherein: said at least one at least one of a group of sets of information includes a contract contingency authorizing a seller to pay a buyer a penalty if said seller elects to sell said selected item to another buyer (Moore, col. 4, lines 63+ - col. 5, line 2).

**Re Claim 27:** Moore discloses a system, wherein: said buyer's intelligent agent comprises an intelligent commercial search agent for ranking said bids according to at least one filter factor (Moore, col. 7, lines 20-24).

**Re Claims 28,29,30,31,32,33,34,35 and 36:** Moore discloses a system, wherein: said at least one filter factor comprises: item price; item location; item niche; item availability; includability in bundle purchase; accountability of seller; or past experience with seller (Moore, col. 7, lines 20-24; col. 4, lines 55-57 e.g. criteria; col. 6, lines 41-52 e.g. criteria; col. 7, lines 47-58 e.g. criteria).

**Re Claim 37:** Moore discloses a system, wherein:

said bids submitted by at least one of said seller showcase databases includes a

Art Unit: 3628

contract contingency authorizing a seller to pay a buyer a penalty if said seller elects to sell said selected item to another buyer (Moore, col. 4, line 63+ - col. 5, line 2).

**Re Claim 39:** Moore discloses a method for searching data in a distributed computing network, comprising:

receiving a request to search for information related to a selected item, said

selected item one of a group of individual product items and individual service items (Moore, col. 7, lines 18-35),

sorting a list of preferred attributes for filtering said information (Moore, col. 7, lines 18-35),

searching at least one of a plurality of seller commercial data bases for said information, each of said plurality of sellers' commercial data bases commonly registered with a cooperative communications network related to said selected item (Moore, col. 7, lines 18-35),

receiving from at least one of said sellers' commercial data bases data conforming to said list of attributes (Moore, col. 7, lines 18-35), and

sorting said information received from said sellers' commercial data bases according to said preferred attributes (Moore, col. 7, lines 18-35).

**Re Claim 40:** Moore discloses a method, further comprising:

sending said information to a buyer's intelligent agent (Moore, col. 7, lines 18-35).

**Re Claim 41:** Moore discloses a method, further comprising:

sending said information to a seller's intelligent agent (Moore, col. 7, lines 18-35).

Art Unit: 3628

**Re Claim 42:** Moore discloses a computer program product comprising a machine readable medium on which is provided program instructions for performing a method for procurement of an item using computers that communicate over a network (Moore, col. 6, lines 3-6), the program instructions comprising:

program code for receiving from one of a plurality of buyer's intelligent agents registered with a cooperative communications network a request to receive bids to sell a selected item specified from a list of individual product items and individual service items (Moore, col. 6, lines 3-6 program code is inherent; abstract, col. 5, lines 34+ - col. 6, line 2-network; col. 4, lines 25-29, "item or items they wish to acquire"), and program code for receiving from at least one of a plurality of seller's intelligent agents registered with a cooperative communications network an automated bid to sell said selected item, said bid responsive to said request (Moore, col. 6, lines 3-6 program code is inherent; abstract, col. 5, lines 34+ - col. 6, line 2 - network; col. 4, lines 25-29 "item they wish to trade").

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:



Art Unit: 3628

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1,2,7,8 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies, US Pat. No. 5,931,907.

**Re Claim 1:** Davies discloses a system for searching data in a distributed computing network of sellers' commercial databases, the system comprising:

a distributed computing network comprising a plurality of sellers' commercial databases, (Davies, abstract; col. 1, lines 28-40 and 51-63; col. 2, lines 9-13), at least one buyer's node for transmitting a buyer's first query (Davies, abstract; col. 1, lines 28-40 "user can access information"; col. 1, lines 60-63 "behalf of a user"), a commercial search agent for receiving said buyer's first query regarding a selected item, said item one of a product or service, said commercial search agent in communication with said plurality of sellers' commercial databases, and said commercial search agent further for searching said plurality of sellers' commercial databases for information related to said selected item (Davies, abstract; col. 1, lines 28-40; col. 1, lines 51-63).

Davies fails to explicitly disclose wherein the said seller's commercial databases is commonly related to an industry. Official Notice is taken that it is old and well-known to have networks with databases related to any subject area. For example, businesses frequently have databases related to customers, products, competitors and other attributes of the industry within which they operate. It would have been obvious to one

Art Unit: 3628

of ordinary skill in the art at the time of the invention to modify the teachings of Davies to provide a system, the system comprising: a distributed computing network comprising a plurality of sellers' commercial databases, said seller's commercial databases commonly related to an industry, at least one buyer's node for transmitting a buyer's first query, a commercial search agent for receiving said buyer's first query regarding a selected item, said item one of a product or service, said commercial search agent in communication with said plurality of sellers' commercial databases, and said commercial search agent further for searching said plurality of sellers' commercial databases for information related to said selected item. One would have been motivated to narrow a potentially burdensome search to the databases relevant to the business and transactions involved.

**Re Claim 2:** Davies discloses a system, wherein: said commercial search agent comprises an intelligent agent (Davies, abstract; col. 1, lines 28-40; col.1 lines 51-63 see refs. to "intelligent page store", "intelligent software agents").

**Re Claim 7:** Davies discloses a system, comprising: at least one intelligent agent in communication with said commercial agent (Davies, abstract; col. 1, lines 28-40; col.1 lines 51-63 see refs. to "intelligent page store", "intelligent software agents"; Davies, col. 1, lines 61-63 "software agents are used to store, retrieve, summarise and inform other agents about information found"; col. 2, lines 27-29), said intelligent agent for receiving said information related to said selected item (Davies, abstract; col. 1, lines 28-40; col.1 lines 51-63 see refs. to "intelligent page store", "intelligent software agents"; Davies, col. 1, lines 61-63 "software agents are used to store, retrieve, summarise and inform

Art Unit: 3628

other agents about information found"; col. 2, lines 27-29). Davies fails to explicitly disclose wherein said intelligent agent is an intelligent negotiation agent; and wherein the agent engages in a negotiation for procurement of said selected item.

Official notice is taken that it is old and well-known for intelligent agents to be used to carry out an assigned task. For example, intelligent agents are often used to retrieve and deliver information.

It would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of Davies to provide a system, further comprising: at least one intelligent negotiation agent in communication with said commercial agent, said intelligent negotiation agent for receiving said information related to said selected item and for engaging in a negotiation for procurement of said selected item. One would have been motivated to maximize profits by making transactions easier and making the negotiation process more accessible.

**Re Claim 8:** Davies discloses a method for searching data in a distributed computing network of sellers' commercial databases, the method comprising:

receiving a buyer's first query regarding a selected item, (Davies, abstract; col. 1, lines 28-40 "user can access information"; col. 1, lines 60-63 "behalf of a user"), performing an automated search on a distributed computing network for information related to said selected item, said distributed computing network comprising a plurality of sellers' commercial databases, (Davies, abstract; col. 1, lines 28-40 and 51-63; col. 2, lines 9-13).

Art Unit: 3628

Davies fails to explicitly disclose wherein said item is one of a product or service and said plurality of sellers' commercial databases commonly related to an industry.

Official notice is taken that is old and well-known for users to inquire about any item they wish to purchase and to have networks with databases related to any subject area.

For example, customers frequently inquire about products or services merchants provide irrespective of whether it is a brick and mortar company or internet or virtual store. Customers may inquire about price, availability, quality etc. For example, businesses frequently have databases related to customers, products, competitors and other attributes of the industry within which they operate.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Davies to provide a method, the method comprising: receiving a buyer's first query regarding a selected item, said item one of a product or service, performing an automated search on a distributed computing network for information related to said selected item, said distributed computing network comprising a plurality of sellers' commercial databases, said plurality of sellers' commercial databases commonly related to an industry. One would have been motivated by customer service and goodwill to provide buyers with information about the products and services desired. One would have been motivated to narrow a potentially burdensome search to the databases relevant to the business and transactions involved.

**Re Claim 9:** Davies discloses a method, wherein:

said performing an automated search is accomplished by invoking an intelligent

Art Unit: 3628

commercial search agent (Davies, abstract; col. 1, lines 28-40; col.1 lines 51-63 see refs. to "intelligent page store", "intelligent software agents").

**Claims 3,10 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies, US Pat. No. 5,931,907 in view of Weiss, US Pub. No. 2002/0062315.

**Re Claim 3:** Davies discloses a system, further comprising:

said analytical agent also for generating a report on said data that most closely meets a goal (Davies, col. 1, lines 61-63 "summarise and inform other agents about information found"; col. 2, lines 27-29),

said analytical agent in communication with said commercial search agent for transmission thereto of said report (Davies, col. 1, lines 61-63 "summarise and inform other agents about information found"; col. 2, lines 27-29).

Davies fails to explicitly disclose a system, further comprising:

at least one of a plurality of analytical agents for mining data related to said selected item from said plurality of sellers' databases.

Weiss discloses a system, further comprising:

at least one of a plurality of analytical agents for mining data related to said selected item from said plurality of sellers' databases (Weiss, abstract; [0010][0011][0012]),

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Davies and Weiss to provide a system, further comprising: at least one of a plurality of analytical agents for mining data related to said selected item from said plurality of sellers' databases, said analytical agent also for

Art Unit: 3628

generating a report on said data that most closely meets a goal, said analytical agent in communication with said commercial search agent for transmission thereto of said report. One would have been motivated to use the report for record keeping; and to evaluate large amounts of data obtained from data mining in a easier to understand and more effective manner.

**Re Claim 10:** Davies discloses a method, further comprising:

analyzing said data for generating a report thereon that most closely satisfies said goal (Davies, col. 1, lines 61-63 "summarise and inform other agents about information found"; col. 2, lines 27-29),

transmitting said report to said commercial search agent (Davies, col. 1, lines 61-63 "summarise and inform other agents about information found"; col. 2, lines 27-29).

Davies fails to explicitly disclose a method, further comprising mining data from said plurality of sellers' commercial databases, receiving a goal (Weiss, abstract; [0010][0011][0012]).

Weiss discloses a method, further comprising: mining data from said plurality of sellers' commercial databases (Weiss, abstract; [0010][0011][0012]), receiving a goal (Weiss, abstract; [0010][0011][0012]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Weiss to provide a method, further comprising:

mining data from said plurality of sellers' commercial databases, receiving a goal,

analyzing said data for generating a report thereon that most closely satisfies said goal,

Art Unit: 3628

transmitting said report to said commercial search agent. One would have been motivated to use the report for record keeping; and to evaluate large amounts of data in a easier to understand and more effective manner.

**Re Claims 11:** Davies discloses a method, wherein: there is an intelligent analytical agent (Davies, abstract; col. 1, lines 28-40; col.1 lines 51-63 see refs. to "intelligent page store", "intelligent software agents"). Davies fails to explicitly disclose a method, wherein: said mining data is performed by an intelligent analytical agent. Weiss discloses a method, wherein: said mining data is performed by an intelligent analytical agent (Weiss, abstract; [0010][0011][0012]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Davies and Weiss to provide a method, wherein: said mining data is performed by an intelligent analytical agent. One would have been motivated to use the characteristics typical of intelligent agents such as carrying out tasks, retrieving and delivering information to obtain data from different sources.

**Claims 4,5,12 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies, US Pat. No. 5,931,907 in view of Kleinberg, US Pat. No. 5,884,305.

**Re Claims 4 and 5:** Davies fails to explicitly disclose a system, further comprising: at least one of said plurality of sellers' databases includes at least one promotion module; or at least one of said plurality of sellers' databases includes at least one risk management option module. Kleinberg discloses uses for data mining. In particular, Kleinberg discloses the applicability of data and data mining to sales transactions,

Art Unit: 3628

advertising, inventory (Kleinberg, col. 1, lines 1-50). Official Notice is taken that it is old and well-known for businesses to have modules for subject areas considered important for business. For example, companies often create modules to look at risk in financial transactions. The business may look at historical records, characteristics of customers etc to decide things such as the need for liability insurance, determining interest rates, deposits etc. For example, companies often create modules for promotional purposes a part of their marketing and advertising campaigns. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Davies by adopting the teachings of Kleinberg to provide a system, further comprising: at least one of said plurality of sellers' databases includes at least one promotion module; or at least one of said plurality of sellers' databases includes at least one risk management option module. One would have been motivated to maximize profits by making improvements to marketing and advertising efforts; or minimizing losses by more accurately estimating risks.

**Re Claims 12 and 13:** Davies fails to explicitly disclose a method, further comprising: receiving from at least one of said plurality of sellers' commercial databases a promotion; or receiving from at least one of said plurality of sellers' commercial databases a risk management option comprising at least one contract contingency authorizing a seller to pay a buyer a penalty if said seller elects to sell said selected item to another buyer.



Art Unit: 3628

Kleinberg discloses uses for data mining. In particular, Kleinberg discloses the applicability of data and data mining to sales transactions, advertising, inventory (Kleinberg, col. 1, lines 1-50).

Official Notice is taken that it is old and well-known for businesses to designate subject areas considered important for business. For example, companies often look at risk in financial transactions. The business may look at things such as historical records, characteristics of customers etc. to decide things such as the need for liability insurance, determining interest rates, deposits etc. For example, companies often create modules for promotional purposes a part of their marketing and advertising campaigns.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Davies in view of the teachings of Kleinberg in order to provide a method, further comprising: receiving from at least one of said plurality of sellers' commercial databases a promotion; or receiving from at least one of said plurality of sellers' commercial databases a risk management option comprising at least one contract contingency authorizing a seller to pay a buyer a penalty if said seller elects to sell said selected item to another buyer. One would have been motivated to maximize profits by making improvements to marketing and advertising efforts; or minimizing losses by more accurately estimating risks.

**Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies, US Pat. No. 5,931,907 in view of Suarez, US Pat. No. 5,790,789.

Art Unit: 3628

**Re Claim 6:** Davies fails to explicitly disclose a system, wherein said distributed computing network comprises a cooperative communications network having a plurality of sellers' commercial databases, said cooperative communications network related to said selected item. Suarez discloses a system, wherein said distributed computing network comprises a cooperative communications network having a plurality of sellers' commercial databases, said cooperative communications network related to said selected item (Suarez, Figs. 1,4,6,10,11; col. 6, lines 27-29). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Davies by adopting the teachings of Suarez to provide a system, wherein said distributed computing network comprises a cooperative communications network having a plurality of sellers' commercial databases, said cooperative communications network related to said selected item. One would have been motivated by more efficient use of information and faster access to information.

**Claims 15,17,18,19,25 and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, US Pat. No. 6,847,938.

**Re Claim 15:** Moore discloses a system, further comprising:

an intelligent analytical agent obtaining data related to a selected item from said list, obtaining data from at least one of a plurality of market databases (Moore, col. 6, lines 64-66; col. 7, lines 18-35; col. 7, lines 59+ - col. 8, line 8), said analytical agent for generating a subset of data that most closely conforms to a set of preprogrammed item parameters (Moore, col. 6, lines 64-66; col. 7, lines 18-35; col. 7, lines 59+ - col. 8, line 8),

Art Unit: 3628

and said analytical agent in communication with said commercial search agent for providing thereto said subset of data (Moore, col. 6, lines 64-66; col. 7, lines 18-35; col. 7, lines 59+ - col. 8, line 8).

Moore fails to explicitly disclose a system, further comprising: an intelligent analytical agent for mining data related to a selected item from said list, said mining from at least one of a plurality of market databases.

Official Notice is taken that it is old and well-known to use intelligent agents to carry out tasks such as retrieving and delivering information. to mine for data from different sources. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Moore to provide a system, further comprising: an intelligent agent for mining data related to a selected item from said list, said mining from at least one of a plurality of market databases, said analytical agent for generating a subset of data that most closely conforms to a set of preprogrammed item parameters, and said analytical agent in communication with said commercial search agent for providing thereto said subset of data. One would have been motivated by the ability of intelligent agents to obtain information from different sources.

**Re Claim 17, 18 and 19:** Moore discloses a method, further comprising:

said request for bids including a set of item parameters (Moore, col. 4, lines 25-29; col. 6, lines 41-51 e.g., different parameters depending upon item). Moore fails to explicitly disclose a method wherein said set includes: price, quality or item features. Official Notice is taken that it is old and well-known to provide users with product lists, order

Art Unit: 3628

forms and search fields comprising any parameter descriptive of the item. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Moore to provide a method wherein said set includes: price, quality or item features. One would have been motivated to provide information so that customers can select desired products, compare comparable or competing items, check availability of items etc.

**Re Claim 25:** Moore discloses a method, wherein at least one of a group of sets of information comprising product items and service items (Moore, col. 7, lines 20-24, "data sorting techniques" can show sets, product items, service items). Moore fails to explicitly disclose a method wherein: said at least one of a group of sets of information comprises promotions. Official Notice is taken that it is old and well-known to provide information regarding promotions, discounts and complimentary products and services. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Moore to provide a method, wherein: said at least one of a group of sets of information comprises promotions. (Moore, col. 1, lines 42-47 ref. to advertising;. One would have been motivated to maximize buyer exposure to products and services offered; and increase buyer demand.

**Re Claim 38:** Moore fails to explicitly disclose a system, wherein: said penalty diminishes over time. (Moore, col. 4, line 63+ - col. 5, line 2). Official Notice is taken that is old and well-known that as customers improve their transaction history and credit over time, businesses reduce their penalty. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Moore to

Art Unit: 3628

provide a system, wherein: said penalty diminishes over time. One would have been motivated by the long-term sustainability of the business customers. Business would be concerned that customers would leave if the penalty was too high long term and competitors to acquire the customer's business.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Chipman et. al., US Pat. No. 6,038,668- search and retrieve information on products, suppliers that match customer requirements.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3628

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SMC



HYUNG SONGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600